IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition No. 2759 of l99l

Shrikrushna Yeshwant Deshpande ....Petitioner
vs
Head Master, Ghatkopar Shikshan Prasarak Mandal and ors ..Respondents

Mr R.S.Apte with M S Lagu for petitioner
Mr.V S Jagdale for respondent nos.l and 2
Mr.Saterkar AGP for respondent no.3

CORAM: A.P.SHAH & S.J.VAZIFDAR JJ.

Dated 24.2.2005

P.C:

l. The petitioner was working as a teacher in the respondent no.l school with effect from 27.6.l957 and was promoted to the post of Supervisor and was superannuated as such during the pendency of the petition By this petition the petitioner is seeking to revoke the appointment of respondent no. 6 Asst Head Master and appoint the petitioner to the said post. The petitioner is also praying that the respondent no.l be directed to create a post of Asst Head Master with retrospective effect from l975 and petitioner be appointed to the said post and for consequential benefits.

2. At the time of appointment the petitioner was holding qualification of STC and thereafter he

passed examination in B.A, B.Ed and M.A. In Schedule F of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, l98l though teachers having qualification of STC appointed prior to l.l0.l970 are protected and such teachers fall in category E of Schedule F. The respondent no. 6 having possessed the necessary qualification of B.Sc and B.Ed,he falls in category C and,therefore, he has been rightly treated as senior to the petitioner. Under the circumstances the challenge to the promotion of the respondent no. 6 as Asst Head Master cannot be accepted. The petitioner is already superannuated during the pendency of the pendency of the petition. Hence no relief can be granted to the petitioner. Petition is accordingly dismissed.